

**PROPOSED AMENDMENTS TO  
THE CODIFIED ORDINANCES OF LOUDOUN COUNTY  
ASSOCIATED WITH THE CHESAPEAKE BAY PRESERVATION ORDINANCE**

**Chapter 1066:**

**1066.07 RESPONSIBILITY OF OWNER OF SYSTEM**

(a) The issuance of a permit, subsequent installation and acceptance of the individual sewage disposal system upon inspection by the Health Department does not denote or imply any guarantee of such system, and it shall be the responsibility of the owner, or any subsequent owner of the system, to maintain, repair or replace any system which has ceased to function in a sanitary manner.

~~\_\_\_\_\_~~(b) Except as provided herein, for all individual sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit, the owner shall cause a maintenance pump-out of the septic tank of each such system to be performed by a septic tank cleaner licensed by the Loudoun County Health Department at least once every 5 years and shall provide documentation of the subject maintenance at the request of the County. Licensed septic tank cleaners shall report all pump-outs in a manner acceptable to the Loudoun County Health Department on a biweekly basis and shall provide the homeowner with a copy of the information reported. Notwithstanding the foregoing, Alternative Onsite Sewage Systems shall be subject only to the maintenance, monitoring, sampling, reporting, and inspection requirements of the applicable regulations of the State Board of Health, currently set forth at 12VAC5, Chapter 613, as may be amended.

**1066.12 DESIGN AND LOCATION REQUIREMENTS FOR SUBSURFACE DISPOSAL FIELDS**

(c) Reserve Absorption Area sites. Sufficient suitable soils shall be available on each lot, or available to each lot by easement or other device approved by the Director, to allow repair and/or extension of the on-site sewage disposal system for a period of time equal to:

- (1) The reasonably anticipated life expectancy of the structure (interpreted as 100 percent repair area); or
- (2) In an area designated by an adopted plan for future central sewer service by ~~the Loudoun County Sanitation Authority or~~ an incorporated town, the planned availability date of that sewer service or fifty percent of the originally required soil area, whichever is greater.

Soil disposal systems are considered, for purposes of this section, to have a life expectancy of thirty years. Lots proposed for approval in these areas shall contain sewer utility easements designed to facilitate future sewer line construction and installation. Evidence of consultation regarding design with the Loudoun County Sanitation Authority or sewage treatment plant operator is required prior to Health Department approval.

## Chapter 1220:

### 1220.05 DEFINITIONS.

As used in this chapter:

- ~~(a) "Agreement in lieu of a plan" means a contract between the plan approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single family residence; this contract may be executed by the plan approving authority in lieu of a formal site plan.~~
- (o) "Land-disturbing activity" means any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:
  - (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
  - (2) Individual service connections;
  - ~~(3) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served the septic tank system;~~
  - (43) Surface or deep mining;
  - (54) Repair or rebuilding of the tracks, rights of way, bridges, communication facilities and other related structures and facilities of a railroad company;
  - (65) Disturbed land areas of ~~less than 5,000 square feet~~ 2,500 square feet or less in preparation for commercial or industrial uses, single-family attached units or multifamily units;
  - (76) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
  - (87) Emergency work to protect life, limb or property, and emergency repairs, provided that if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the Director of the Department of Building and Development when applicable;

- | (98) Installation, maintenance or repair of any underground public utility line, provided that such land-disturbing activity is confined to the area of the road, street or sidewalk, which is hard-surfaced;
- | (499) Exploration or drilling for oil and gas, including the well site, roads, feeder lines and off-site disposal areas; (Ord. 95-08. Passed 9-20-95.)
- | (410) Tilling, planting or harvesting of agricultural, horticultural or forest crops or livestock feedlot operations, including engineering operations, as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation. However, this exemption shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally, in accordance with the provisions of Chapter 11 (Sections 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia, or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Section 10.1-1163 of the Code of Virginia, or to filling with earth materials imported from off-site.
- | (4211) Agricultural engineering operations, including, but not limited to, the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with provisions of the Dam Safety Act, Article 2 (Sec. 10.1-604 et seq.) of Chapter 6 of Title 10.1, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation. However, this exemption shall not apply to filling with earth materials imported from off-site. (Ord. 00-06. Passed 6-5-00.)
- | (4312) Disturbed areas of ~~less than 10,000 square feet in size~~ 2,500 square feet or less for all uses not previously referenced.

- (x) "Responsible Land Disturber" means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan ~~or agreement in lieu of a plan~~, who (1) holds a Responsible Land Disturber certificate of competence, (2) holds a current certificate of competence from the Virginia Soil and Water Conservation Board in the areas of Combined Administration, Program Administration, Inspection or Plan Review, (3) holds a current Contractor certificate of competence for erosion and sediment control, or (4) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (§§ 54.1400 et seq.) of Chapter 4 of Title 54.1.

## 1220.06 LAND-DISTURBING ACTIVITIES

- (c) Erosion and Sediment Control Plan. The application for a grading permit shall be submitted to and reviewed by the Loudoun County Department of Building and Development, which is the plan-approving authority. The application for a permit shall include a proposed erosion and sediment control plan for the proposed land-disturbing activity and certification from the

applicant that the plan will be followed. In addition, as a prerequisite to approval of an Erosion and Sediment Control Plan, ~~or an "agreement in lieu of a plan,"~~ the person responsible for carrying out the plan, ~~or the "Agreement"~~ shall provide the name of an individual holding a certificate of competence, who will be in charge of and responsible for carrying out the approved plan. This designee shall be known as the "Responsible Land Disturber." Such erosion and sediment control plan shall propose that a minimum of land-disturbing activity take place in any flood plain and that where such is required, the land-disturbing activity shall be conducted as not to interfere with or otherwise change, other than temporarily, the normal flood flow on the land affected by such activity. The Erosion and Sediment Control plan shall follow the criteria, guidelines and specifications set forth in the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, as amended, and, where the Director of the Department of Building and Development deems it appropriate, such plan shall provide for sequentially staging grading operations over time, so that the area and duration of exposure to the elements are minimized. In addition, a two-phase erosion and sediment control plan will be required that specifically addresses the stages of construction. This two-phase plan shall be designed to ensure adequate erosion and sediment control protection from the beginning of a project until its completion. The first phase of the plan will describe the conservation measures required during the initial land clearing and rough grading and the second phase plan will describe the conservation measures required once the storm sewer system is installed and functional and the roads are in a stabilized condition. A detailed narrative must accompany the plan that addresses the topographical and site drainage features and the stage of construction at which the transition is made from the initial plan to the secondary plan. If the plans show stormwater management facilities, it must be clearly stated when such facilities shall be constructed. The use of diversion berms to break up drainage divides to support the use of sediment traps as opposed to sediment basins will not be allowed if such diversion berms inhibit the constructability of the site.

(f) Financial Guarantee of Performance. The application for a permit shall include a financial guarantee that the land-disturbing activity will be carried out in a manner consistent with the application, including any amendment to such application. Such financial guarantee shall take the form of a reasonable performance and maintenance bond, cash escrow, letter of credit, or any combination of the same, or any other legal arrangement acceptable to the County. Such bond or such other financial guarantee shall incorporate a right in the Director of the Department of Building and Development to enter upon the property for the purpose of utilizing such financial guarantee to implement the proposed soil and sediment control plan of the applicant or to take whatever other measures are necessary to achieve the goals of such plan where it appears that the applicant is not performing, or that he will not perform, in substantial compliance with the terms of such plan. If the County takes such conservation action upon such failure by the permittee, the County may collect from the permittee for the difference should the amount of the reasonable cost of such action exceed the amount of the security held. No permit shall be granted by the Director unless he approves of the proposed financial guarantee of performance and/or maintenance proposed by the applicant. However, the Director shall have the discretion to waive the financial guarantee for disturbed land areas of less than 5,000 square feet where the financial guarantee is not necessary given the nature, type, and location of land-disturbing activity and the

| required erosion and sediment controls. Within sixty days of the achievement of adequate stabilization of the land-disturbing activity, as determined by the Department of Building and Development in any project or section of a project, and after the applicant has applied in writing to the Department of Building and Development for release of such security for performance and submitted any associated administrative fee for such release, the bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.